IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 4053 OF 2004 .

United Western CHS Ltd. ... Petitioner.
V/s.
Smt. Pramila Pandurang Kanat ... Respondents.

Shri A.V. Anturkar for the petitioner.

Shri Balasaheb Bandal for Uday Warunjikar for the respondents.

CORAM : V.C.DAGA, J.

DATED : 7.12.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. It is no doubt true that decree is a conditional decree. The amount had been taken by the landlord while inducting tenant in the suit premises which has been ordered to be refunded to the tenant. I see no illegality in the conditional decree.

3. If the landlord is having deposit given by the tenant without interest, he is bound to refund the same while receiving vacant possession of the suit premises.

4. Landlord had a right to claim adjustment of his dues, if any, from the tenant which the petitioner did claim Rs. 18660/- towards past dues, arrears of rent and taxes in the suit but failed to

establish his right to claim adjustment. The suit on this count has been dismissed. This part of the adverse decree was not challenged. This rejection is not the subject matter of challenge in the present petition. In the circumstances, I see no reason to find fault with the impugned judgment and order. No case is made out to entertain this petition. The same is accordingly dismissed in limine with no order as to costs.